



CHAPTER 11

An Act to ratify the contract between the Government of the Province of Quebec and The Brothers of Charity, respecting juvenile delinquents sentenced to detention in a reformatory school

[Assented to, the 19th of February, 1932]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The contract between the Government of the Province of Quebec and The Brothers of Charity, of Montreal, entered into on the 18th of December, 1931, before Emile Gravel, notary, under the number four thousand three hundred and six of his minutes, and reproduced in the schedule annexed to this act, is ratified.

2. This act shall come into force on the day of its sanction.

SCHEDULE

The eighteenth day of the month of December, one thousand nine hundred and thirty-one.

BEFORE:

EMILE GRAVEL, notary public for the Province of Quebec, practising in Montreal and in St. Lambert where he resides,

APPEARED:

THE GOVERNMENT OF THE PROVINCE OF QUEBEC, acting and represented for the purposes of this deed by the Honourable ATHANASE DAVID, Provincial Secretary, duly authorized for the purposes of these presents by an order-in-council, of date the 17th of September, 1931, and approved by His Honour the Lieutenant-Governor on the 17th of September, 1931, a copy whereof, signed by the appearer and the undersigned notary *ne varietur*, remains annexed to the original of these presents;

Party of the First Part,

AND

THE BROTHERS OF CHARITY, a body politic and corporate, having its place of business in the city of Montreal, herein represented by the REVEREND BROTHER FREMOND, Provincial Superior, and specially authorized for the purposes of these presents by resolution of the members of the said community passed at their meeting of the thirtieth of July, 1931, a copy of which authorization is hereunto annexed, after having been acknowledged as true by the said Reverend Brother Fremond, in the presence of the said notary;

Party of the Second Part.

Who, seeing the reformatory school certificate granted by the Government of the said Province to the said Brothers of Charity, and published on the twenty-first of December, eighteen hundred and seventy-two, in the *Quebec Official Gazette*, of the said Province of Quebec, by which certificate the said Brothers are authorized from the twenty-first day of December, eighteen hundred and seventy-two, to receive

Roman Catholic juvenile delinquents, sentenced to detention in a reformatory in this Province, have together entered into the following contract, to wit:

1. The Brothers of Charity undertake, for the period of twenty years from the first day of November, 1931, to take under their care, and to lodge, feed and clothe the juvenile delinquents who may be sent to them according to law; to pay all the expenses required for the maintenance of the said establishment; to supply the workshops, the effects and material and everything necessary for the work and the primary and mechanical instruction of the juvenile delinquents; to pay the entire staff of the establishment and all the expenses of direction and management including the physician and the chaplain, and all expenses whatsoever necessary for the institution, repairs, changes and furniture, the whole on as good a footing in all respects as is now maintained in the said reformatory school.

2. Considering that the party of the second part will have to erect a new reformatory school which will cost over eight hundred thousand dollars, the Government of the Province of Quebec undertakes to make to the said community for a period of twenty years to start from the 1st of November, 1931, a grant representing a principal of three hundred thousand dollars with interest at the rate of five per cent per annum payable in half-yearly instalments during the aforesaid period of twenty years and equivalent to the interest and amortization of the said sum of three hundred thousand dollars.

3. The Government of this Province, so long as the reformatory school of the afore-mentioned Brothers is installed in the building now occupied by them in the said city of Montreal, or any other establishment which may replace it, approved by the Government, shall pay the said Brothers for each delinquent now detained in such establishment or who may hereafter be lawfully confined there, the sum of two hundred and ten dollars (\$210.00) per annum for the first five years; two hundred and twenty dollars (\$220.00) per annum for the ensuing five years; two hundred and thirty dollars (\$230.00) per annum for the following five years and two hundred and forty dollars (\$240.00) per annum for the remainder of the period of twenty years.

4. The party of the first part undertakes, in every case, to pay to the party of the second part, for at least two hundred and fifty (250) children, at the rate fixed in the above clause 3, per child confined in the said reformatory school.

This number of two hundred and fifty means two hundred and fifty children who have been sentenced. With

respect to those who have only been arrested provisionally, and have been received for a few days, their presence shall in no way affect the prices, and they shall be reckoned under the same terms.

5. The proceeds of the work of the juvenile delinquents shall belong to the said Brothers, but not less than one-fourth of these proceeds shall be employed by them for premiums of encouragement each year, for the delinquents whose conduct and industry are satisfactory to the said Brothers, it being understood that such money shall not be paid to the delinquents whose conduct and industry do not give satisfaction but shall belong to the said Brothers.

6. The children shall be encouraged in every possible way to continue their studies and to improve themselves in the learning of trades.

7. It shall be lawful at any time after ten years for either of the parties hereto to rescind and put an end to this contract, by giving twelve months notice.

If the rescinding takes place on the request of either party, after ten years, clause 2 of this contract shall continue to have effect and the Province of Quebec shall continue to pay to the party of the second part or its representatives the sums not paid, whether for the past or the future, under the provisions of the said clause.

In the event of the rescinding being asked for by the party of the second part, the party of the first part shall have the option of acquiring the said reformatory school, including land and buildings, as carried on, at a price to be then agreed upon between the parties, and, failing agreement, the price shall be fixed by the Public Service Commission. Nevertheless, clause 2 of this contract shall continue to have effect, and the Province of Quebec shall continue to pay to the party of the second part or assigns, the sums not paid and the sums to become due under the provisions of the said clause.

8. If no arrangement is made at the expiration of the said years, the said contract shall be continued from year to year, but may be terminated at the end of any year, by either party giving six months notice.

9. Any sum payable to the said Brothers under this agreement shall be paid to them monthly, as follows: four thousand dollars at the end of each month, and the balance at the end of the quarter.

10. In case of desertion of delinquents under their charge, the said Brothers shall be obliged to inform forthwith the office of the Provincial Police which shall undertake to apprehend and incarcerate such deserters.

11. If a pardon or a remission of punishment is granted to any delinquent by competent authority, the Government shall cease paying for such delinquent from the time of such pardon or remission.

12. The said Brothers of Charity may admit and keep in their building as boarders, children of refractory and vicious character whose parents consent to pay the board thereof, but provided such admission shall be without prejudice to the space needed for the other juvenile delinquents.

13. Besides the persons authorized by law so to do, it shall be lawful for the judges, sheriffs, clerks of the Crown, police magistrates, judges of the sessions, members of the Legislative Council and of the Legislative Assembly of Quebec, and members of the Executive Council, as well as for the bishop of the diocese, his *grands-vicaires* and other persons authorized by the said bishop, to visit, at all times, during suitable hours, the said reformatory school so kept by the said Brothers.

14. The said Brothers shall moreover comply with the instructions and regulations which shall from time to time be adopted by the Lieutenant-Governor in Council for the government and good administration of the said reformatory school, and shall follow the advice and instructions which the inspectors of prisons shall give them in the performance of their duties.

15. The cost of these presents shall be borne by the party of the first part who shall supply a certified copy thereof to the party of the second part.

16. This contract shall be submitted for approval to the Legislature at its next session, and must be ratified by it.

WHEREOF ACTE

Made and passed in the city of Montreal under the number four thousand three hundred and six of my minutes.

And the said parties have signed with the said notary, after reading of the above.

(Signed) ATHANASE DAVID,
" BR. FREMOND,
" EMILE GRAVEL, *Notary*.

True copy of the original hereof remaining of record in my office.

EMILE GRAVEL,
Notary.

Montreal, December 15th, 1931.

(8050 Notre-Dame East)

EXTRACT of the minutes of a regular meeting held by the Board of Management of the Corporation "The Brothers of Charity", on the 29th of July, 1931, in Montreal.

It was resolved that Benoit Brisson, in religion Brother Fremond, Provincial Superior of the Corporation "The Brothers of Charity", be authorized and he is hereby authorized to sign with the Government of the Province of Quebec an agreement for the maintenance of the Reformatory School, conducted by The Brothers of Charity, in Montreal.

Councillors:

Provincial Superior:

(Signed) BROTHER THOMAS (Signed) BROTHER FREMOND
" BROTHER ARISTIDE.

True copy.

(Signed) Secretary:

BR. VALERIEN.

Signed *ne varietur*

(Signed) BR. FREMOND,
" EMILE GRAVEL, *Notary*.

True copy.

EMILE GRAVEL,
Notary.

COPY of the report of a committee of the Honourable Executive Council dated the 17th of September, 1931, approved by the Lieutenant-Governor on the 17th of September, 1931.

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Respecting the contract to be entered into between the Government and The Brothers of Charity.

The Honourable Provincial Secretary, in a memorandum dated the 17th of September (1931), recommends that he be authorized to sign, for and in the name of the Government of the Province of Quebec, the contract to be entered into between the government and The Brothers of Charity for the custody and maintenance of children sentenced to the Reformatory School.

Such contract must be ratified by the Legislature at the next session.

Certified.

(Signed) A. MORISSET,
Clerk, Executive Council.

Copy.
Signed *ne varietur*.

Montreal, December 18th, 1931.

(Signed) ATHANASE DAVID,
" EMILE GRAVEL, *Notary.*

[Seal]

True copy,

EMILE GRAVEL,
Notary.

